

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services rescinds Chapter 155, “Child Abuse Prevention Program,” Iowa Administrative Code, and adopts a new Chapter 155 with the same title.

Child abuse prevention services are provided at the local level through community-based child abuse prevention projects. Program funds are administered by an entity under contract with the Department. The current administrative services contract for this program will expire June 30, 2011. The Department has issued a request for proposals (RFP ACFS-11-125) for a single statewide performance-based administrative services contract for state fiscal year 2012. Proposals for the administration contract are due to the Department by May 9, 2011.

Chapter 155 previously dictated the procurement process in a way that did not align with current state rules regarding the purchase of services. The narrowly defined procedures limited the Department’s ability to purchase needed services and to come into compliance with new requirements enacted in the Child Abuse Prevention and Treatment Act, Public Law 111-320.

The new Chapter 155 updates the rules with a more generalized description of the program which allows the Department to guide the program’s direction through the RFP and contracting process. Annual goals will be set for the program by the Child Abuse Prevention Program Advisory Committee and be implemented through the request for grant proposals. Setting detailed program objectives and processes through the requests for proposals and contracts will allow the Department to implement program changes as required by the federal government without the need for rule changes.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on February 9, 2011, as **ARC 9348B**. The Department received two comments on the Notice of Intended Action.

One comment urged funding for Parents Anonymous®. These rules are intended to specify the procurement process, not to require specific projects. Each community council or coalition makes funding requests to the administrator for the projects the council feels are needed to prevent child abuse in the council’s community. The Department is preparing a request for these proposals.

One comment questioned the need to issue a new request for proposals annually. The Department’s intention is to enter into a one-year contract for program administration that can be extended at the Department’s discretion for five one-year increments. To clarify the policy, the Department has combined proposed rules 441—155.2(235A), 441—155.3(235A), and 441—155.4(235A) into one rule that addresses the contract for program administration and has renumbered proposed rule 441—155.5(235A) as 441—155.3(235A).

These rules do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on April 13, 2011.

The Department finds that this amendment confers a benefit on applicants for the child abuse prevention contract by eliminating conflicts between the current rules and the requirements of the request for proposals for contract administration. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of this amendment is waived.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code sections 235A.1 and 235A.2.

This amendment became effective on April 15, 2011.

The following amendment is adopted.

Rescind 441—Chapter 155 and adopt the following **new** chapter in lieu thereof:

CHAPTER 155  
CHILD ABUSE PREVENTION PROGRAM

PREAMBLE

These rules define and structure the child abuse prevention program. Services are provided through a single statewide performance-based contract for the administration of funds to be used at the local level for community-based child abuse prevention projects.

**441—155.1(235A) Definitions.**

“*Advisory committee*” or “*committee*” means the child abuse prevention program advisory committee authorized by Iowa Code section 217.3A.

“*Child abuse prevention program*” or “*program*” means the program established by Iowa Code section 235A.1. Use of either term in the context of this chapter refers to the program as a whole rather than individual projects funded under the program.

“*Community-based volunteer coalition or council*” or “*community council*” means that group of persons who, by consensus of a community’s human service providers, represent that community’s interests in the area of prevention of child abuse and neglect and who serve in that representational capacity without compensation. The consensus of the community’s human service providers may be demonstrated through letters of support or similar documentation.

“*Contractor*” means the single agency or organization with which the department contracts for the administration of child abuse prevention program funds.

“*Department*” means the Iowa department of human services.

“*Director*” means the director of the department of human services.

“*Fiscal year*” means the 12-month period for which child abuse prevention program funds are appropriated.

“*Grant project*” means a project funded under the child abuse prevention program as awarded by the contractor.

**441—155.2(235A) Contract for program administration.** The department shall contract for the administration of the child abuse prevention program through formal competitive procurement conducted according to the requirements of 11—Chapters 106 and 107.

**155.2(1) Eligibility requirements.** Eligibility for the program administration contract is limited to statewide agencies or organizations that make maximum use of voluntary administrative services.

**155.2(2) Duties.** The department shall contract with a single agency or organization to:

a. Administer the appropriated funds and any grants, gifts or bequests to the department that are specifically designated by their source for use in the child abuse prevention program; and

b. Study and evaluate community-based prevention projects and educational programs for the problems of families and children in accordance with the provisions of Iowa Code section 235A.1 and this chapter.

**441—155.3(235A) Awarding of grants.** In any year in which funding is appropriated or otherwise made available for the child abuse prevention program, the contractor shall solicit grant project proposals. Funds for the grant projects shall be applied for and received by community-based volunteer coalitions or councils. Grant projects may be awarded to fund the establishment or expansion of community-based prevention projects or educational programs for the prevention of child abuse and neglect.

**155.3(1)** The advisory committee shall establish specific program goals for each fiscal year in which program funds are appropriated. These program goals shall address the current and emerging needs of children and families throughout the state.

**155.3(2)** The contractor shall widely disseminate a request for grant project proposals consistent with all state and federal procurement requirements. The request for grant project proposals shall fully describe the child abuse prevention program goals and the procedures for applying for and receiving program funds, as agreed upon in the administration contract.

**155.3(3)** All grant project proposals shall be reviewed by the contractor, who shall consult with the advisory committee on grant project selection. The committee shall advise the department as to the contractor's compliance with the established program goals.

These rules are intended to implement Iowa Code sections 235A.1 and 235A.2.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/4/11.